

11/14/93

## THE ASSASSINATION FILES

THIRTY YEARS AFTER JFK'S DEATH

# Warren Commission Born Out of Fear



WHITE HOUSE PHOTO VIA UNITED PRESS INTERNATIONAL



**Nov. 22, 1963:**

*Flanked by Lady Bird Johnson and President Kennedy's widow, Jacqueline Kennedy, Vice President Lyndon B. Johnson takes the oath of office aboard a White House plane in Dallas. Above, the assassination scene through a telescopic sight as reconstructed by the FBI for the Warren Commission.*

## Washington Wanted to Stop Speculation

*First of three articles*

By Walter Pincus and George Lardner Jr.  
Washington Post Staff Writers

**T**here was instant recognition in CIA headquarters here on the afternoon of Nov. 22, 1963, when news wires burning with reports of President John F. Kennedy's assassination in Dallas that morning flashed word that Lee Harvey Oswald had been arrested.

The CIA's Western Hemisphere Division already had a file on Oswald, documenting his travel to the Soviet Union and recent contacts with the Soviet Embassy in Mexico City—including an intercepted telephone conversation in which a man identifying himself as Oswald had mentioned meeting with a known KGB operative whose specialties included assassination. The CIA station chief in Mexico had twice cabled information about Oswald's suspicious Soviet contacts there, the first in early October.

The FBI also had a file on Oswald, listing his activities in New Orleans in support of the pro-Castro Fair Play for Cuba Committee. And, shortly after his arrest, Dallas authorities found pro-Soviet, pro-Cuba literature in Oswald's apartment.

As policymakers across the Potomac learned of Oswald's Soviet connections, they were filled with dread. "There was fear that the Soviets could be responsible," then-Deputy Attorney General Nicholas deB. Katzenbach said in a recent interview. "And that could be a major problem."

"We were just scared to death that this was

something bigger than just the act of a madman," recalled George Ball, the undersecretary then running the State Department in Dean Rusk's absence.

Neither Katzenbach, nor Ball, nor other top foreign policy and defense officials charged with maintaining domestic security and international stability believed the Soviet Union was behind the assassination of the president. The Soviets, they thought, simply had too much to lose from the repercussions of such an act, and were as mindful of the delicate balance of superpower relations as the Americans.

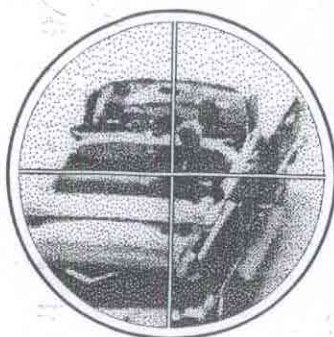
Top-secret intercepts by U.S. and allied eavesdropping agencies reassured them. Communications between Moscow and the Soviet Embassy in Washington and between Moscow and Havana showed surprise and alarm over what had taken place, according to Warren Commission lawyers who were given access to the records.

But the senior policymakers feared that the American public, and the more conspiracy-minded law enforcement community, would be less easily convinced of Soviet innocence once news of Oswald's past came to light. The repercussions for world peace, they felt, could be disastrous.

Thus was born the idea of creating a prestigious presidential commission to control the release of information about the assassination and choke off speculation about an international conspiracy to kill Kennedy. Conceived by Katzenbach within hours of

See COMMISSION, A18, Col. 1





# Washington Acted to Stop Speculation

COMMISSION, From A1

Kennedy's death, the idea was put into effect as the Warren Commission—headed by the chief justice of the United States—just one week later.

As the 30th anniversary of the Kennedy assassination approaches next week, the conclusions of the Warren Commission—that Oswald alone conceived and carried out the killing—remain the subject of hot dispute and disbelief by a wide range of Americans. And the passage of time makes it increasingly unlikely that the whole truth about the events of Nov. 22, 1963, ever will be known.

But newly released government documents, including the transcripts of telephone conversations recorded by President Lyndon B. Johnson in November and December 1963, provide for the first time a detailed, behind-the-scenes look at why and how the seven-member Warren panel was put together. Those documents, along with a review of previously released material and interviews with dozens of individuals, describe a process designed more to control information than to elicit and expose it.

## Friday and Saturday, Nov. 22-23

In the hours following the assassination—even after Oswald's arrest—fears were rampant that other gunmen might be roaming the city, and that then-Vice President Johnson also was at risk. As the Secret Service sped Johnson to the airport from Parkland Hospital, after Kennedy was pronounced dead, the president-to-be crouched on the floor of the car.

Takeoff was delayed until Jacqueline Kennedy arrived with her husband's body, and for the swearing-in ceremony on Texas soil that Johnson wanted.

On arrival at Andrews Air Force Base, Johnson was joined for the helicopter ride to the White House by Ball, national security adviser McGeorge Bundy, and Defense Secretary Robert S. McNamara. Johnson seemed in "a near state of shock," Ball recalled. Ball used the 10-minute flight to emphasize what he regarded as most important: the need to reassure other nations that the assassination would not disrupt the U.S. government.

Later that night, at Johnson's private residence in Northwest Washington, an aide rushed in to warn him that prosecutors in Dallas were planning to charge Oswald with

killings Kennedy "in furtherance of a communist conspiracy."

Bill Alexander, the assistant district attorney who was drawing up the complaint, said in a recent interview that he had been struck by "all this communist literature, Oswald's correspondence with Russians, his diary in Russian" that police had found in Oswald's apartment.

Johnson told the aide, Cliff Carter, to call District Attorney Henry Wade in Dallas. He instructed Horace Busby, an old friend also present that night, to call Texas Attorney General Waggoner Carr about convening a state "court of inquiry" that would supersede Dallas authorities.

Wade remembers that Carter told him to go down to the police station and make sure no "plot" was mentioned in the charges against Oswald. Alexander also remembers Wade calling him. "He [Wade] said, 'Knock off this communist [Expletive]! What are you trying to do? Start World War III?'"

Although local authorities clearly had responsibility for the criminal investigation under existing law, Washington had moved quickly to ensure that the FBI would take over the Dallas police operation. Not only would that give Washington control of information of possible international consequence, it also would reassure a jittery and uncertain nation that the investigation was being done right by impartial authorities from outside the state where the killing had occurred.

In Moscow the next morning, Soviet leader Nikita Khrushchev paid his respects at the U.S. Embassy, and asked Ambassador Foy Kohler about the identity of the assassin. Kohler, according to his cable to Washington on the meeting, said a suspect was under arrest, but a verdict would have to await a trial. "In my view, any person who could commit such a reprehensible act must be a madman," he said he told Khrushchev.

Khrushchev, Kohler said, then recited "the traditional opposition of the Communist Party to terrorist acts."

In his cable, Kohler expressed concern "at political repercussions which may develop if undue emphasis is placed on the alleged 'Marxism' of Oswald. While we clearly must be factual and objective in our output, I would hope, if facts permit, we could deal with the assassin as 'madman' with long record of acts reflecting mental imbalance rather than dwell on his professed political convictions."

In Washington, FBI Director J. Edgar Hoover called Johnson at 9:50 a.m. to report on the progress of the bureau's investigation of the assassination. "Have you established any more about [Oswald's] visit to the Soviet Embassy in Mexico in September?" Johnson asked. Hoover was troubled. "That's one angle that's very confusing," he said.

Meanwhile, a package was delivered for Johnson from the State Department. Busby, sitting in Johnson's vice presidential suite in the Old Executive Office Building at the time, recalled that the documents inside were handed to Johnson, who was talking on the telephone. The president looked at the papers and slid them across his desk to Busby. "Me, no Alamo," Johnson said.

It was classic Texas sarcasm, a reference to the "Who, me?" disclaimer legend has it was uttered by captured Mexican troops after they had laid waste to the Alamo in the historic 1836 battle.

The package, Busby said, had come from the Soviet Foreign Ministry. "It was the KGB's complete history of every movement Oswald made in Russia," he recalled. "Johnson's characterization was really very apt. I read it. They had somebody on [Oswald] all the time."

That same morning, Johnson learned that Sen. Roman Hruska (R-Neb.) was planning to make a speech on Monday "denouncing the Russian conspiracy, of which Oswald was an agent," Busby recalled. Johnson called Senate Minority Leader Everett Dirksen (R-Ill.) to try to head off Hruska.

"That would be very bad," the president told Dirksen. Hruska "has no proof of that. We mustn't get the country on edge." Dirksen, Busby said, agreed. Hruska never made the speech.

## Sunday, Nov. 24

Shortly after noon, Katzenbach was watching television at home with a friend when Jack Ruby stepped out of the crowd in the basement of the Dallas police headquarters and shot Lee Harvey Oswald dead, an act that guaranteed that the truth about the Kennedy assassination never would be established beyond a reasonable doubt.

"Oh, shit," Katzenbach recalled saying. He telephoned FBI headquarters to ask "how the hell could this happen?"

To Katzenbach, the killing—the fact that Oswald would never be brought to trial—made it all the more important to find a way of validating the FBI investigation of the president's death. Here it was, 100 years after Abraham Lincoln's assassination, and people were still writing books about Lincoln conspiracies.

The acting attorney general began calling friends and colleagues he hoped would share his belief that a blue-ribbon commission was needed. One call interrupted Katzenbach's friend, Yale Law School Dean Eugene Rostow, in the midst of a party at his house. Rostow called Ball to talk it over, and then called the White House to talk with Johnson aide Bill D. Moyers.



According to a transcript of the conversation, Rostow mentioned Katzenbach's phone call, then told Moyers, "In this situation, with the bastard killed, my suggestion is that a presidential commission be appointed of very distinguished citizens in the very near future." It should have seven or nine members, he said, including "maybe Nixon," the ex-vice president Kennedy defeated in 1960 for the presidency.

The commission's job, Rostow suggested, would be "to look into the whole affair of the murder of the president, because world opinion and American opinion is just now so shaken by the behavior of the Dallas police that they're not believing anything."

Moyers said he would pass the idea on to President Johnson.

Katzenbach, increasingly alarmed by the skepticism being expressed in television reports because of Ruby's shooting of Oswald, also called Rep. Homer Thornberry (D-Tex.), a lifelong friend of Johnson's. Thornberry called Johnson aide Walter Jenkins.

In a memo later that day, Jenkins told Johnson that Katzenbach "is very concerned that everyone know that Oswald was guilty of the president's assassination. Oswald's dead and the newspapers are wanting to know if he was really the one who killed the president. Katzenbach recommended that consideration be given to appointing of a presidential commission . . . [that] would then study the evidence and make a finding."

Johnson, who shuddered at the thought of Washington-based "carpetbaggers" going down to sit in judgment on Texas, still was toying with the idea of a Texas court of inquiry that he had broached the night of the assassination. After Carr arrived in Washington that afternoon as part of a delegation to the Kennedy funeral scheduled the next day, Carr called the White House.

That evening, Johnson aide Carter sent a note to the president recording Carr's willingness, "if desired," to arrange for a court of inquiry that "could be used to clear up any question about the Oswald case in Dallas. He [Carr] said the FBI could conduct this hearing through him in any manner they cared to to complete the record on Oswald," Carter reported.

Johnson scribbled on top of Carter's memo: "Good idea, but purely a state matter. Can't say President asked for it."

## Monday, Nov. 25

Before the midday funeral at St. Matthew's Cathedral, the White House called Carr and told him to hold a news conference to announce he would convene a court of inquiry, but to say nothing more about it until he returned to Texas.

Johnson knew Katzenbach was pushing for a presidential commission. That morning, he called Hoover to say the idea was "very bad," but that "apparently some lawyer in Justice is lobbying with The [Washington] Post," which Johnson had been told was about to call for a commission editorially.

Johnson believed that a federal investiga-

tion into a murder—even the murder of a president—had ominous implications for southerners bent on preserving states' rights. He told Hoover he wanted the FBI to conduct a full investigation, but to submit its findings to the Texas panel for its approval.

He urged Hoover to try to dissuade The Post. Hoover agreed any investigation by a presidential commission would be "a regular circus . . . because it'll be covered by TV and everything like that." He added, however, that he did not have much clout with The Post because "I frankly don't read it. I view it like the Daily Worker."

Minutes after Johnson finished with Hoover, syndicated newspaper columnist Joseph Alsop, a senior member of the Washington Establishment, telephoned to discuss the matter of a presidential commission, and begin the process of changing Johnson's mind.

Johnson said he did not want anybody from outside Texas—"a bunch of carpetbaggers"—to oversee the inquiry. "We can't haul off people from New York and try them in Jackson, Mississippi, and we can't haul off people from Dallas and try them in New York," he told Alsop.

Why not add "non-Texas jurists" to the panel Johnson had proposed, Alsop suggested. They could "review all the evidence by the FBI and produce a report to the nation . . . so the country will have the story judicially reviewed, outside Texas."

"You've made a marvelous start," Alsop said soothingly. "You haven't put a damned foot one quarter of an inch wrong . . . and I've never seen anything like it. . . . And I'm sure that if Moyers calls [Washington Post managing editor Al] Friendly, you [will] have a terrific support from The Washington Post and the whole rest of the press instantly."

Why not just make the FBI report public, Johnson asked. "Because no one . . . on the left, they won't believe the FBI," Alsop replied. "And the FBI doesn't write very well."

Katzenbach decided to take more direct action in his campaign, writing a memo to Moyers that critics years later would describe as the blueprint for a "whitewash."

"It is important that all of the facts surrounding President Kennedy's assassination be made public in a way which will satisfy people in the United States and abroad that all the facts have been told," Katzenbach wrote.

But then he added: "The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial. . . . Speculation about Oswald's motives ought to be cut off, and we should have some basis for rebutting the thought that this was a Communist conspiracy or (as the Iron curtain press is saying) a right-wing conspiracy to blame it on the Communists."

He closed the memo with a direct pitch for a presidential commission of "unim-

See COMMISSION, A19, Col. 1



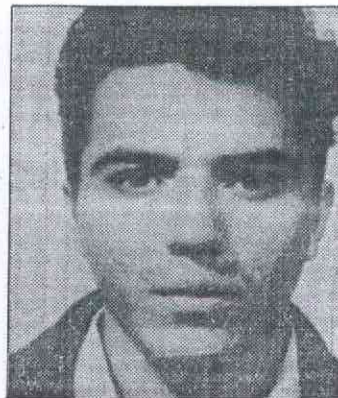
OSWALD DISTRIBUTING FAIR PLAY FOR CUBA HANDBILLS IN NEW ORLEANS, AUGUST 16, 1963 --INSETS SHOW SAMPLES OF HIS HANDBILLS ON WHICH HE HAD STAMPED HIS NAME AND THE NAME OF "A J HIDELL"

COMMISSION EXHIBIT 2964 B

COMMISSION EXHIBIT 2964 A



**On Oswald's trail:** The suspect, Oswald, had drawn the attention of intelligence agencies before Dallas. The Soviet KGB tracked him in Russia and Western evidence showed him distributing Fair Play for Cuba handbills in New Orleans, right, and retraced his movements in Mexico City, far right, in an effort to pinpoint his contacts.



**Tale of a payoff:** The CIA alerted the White House in an "Eyes Only" report that Oswald, above left, had been seen by Gilberto Alvarado, a Nicaraguan, above right, taking \$6,500 from someone inside the Cuban Embassy in Mexico City. The alleged Cuban connection failed to pan out when Alvarado told Mexican police he made up the story.



A18 SUNDAY, NOVEMBER 14, 1993

THE WASHINGTON POST

## THE ASSASSINATION FILES

*'What are you trying to do? Start World War III?'*



UNITED PRESS INTERNATIONAL

**Death in Dallas:** Secret Service agent Rufus Youngblood, left, escorts Vice President Johnson and Rep. Homer Thornberry (D-Tex.) from Parkland Hospital after President Kennedy was declared dead. They drove to the airport, where Johnson was sworn in as president on the aircraft carrying Kennedy's body back to Washington.



**Diplomats in dismay:** In the nation's capital, Undersecretary of State George Ball, left, represented the view that the Soviets had too much to lose to have been behind the assassination. The U.S. envoy in Moscow, Foy Kohler, right, cabled his concern about "political repercussions which may develop if undue emphasis is placed on the alleged 'Marxism' " of assassination suspect Lee Harvey Oswald.



THE WASHINGTON POST

## THE ASSASSINATION FILES

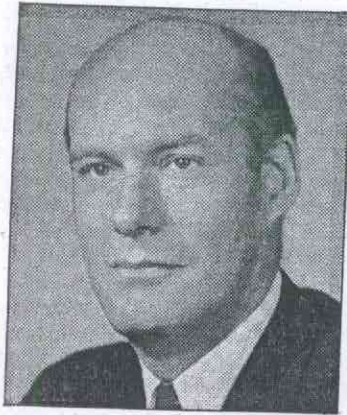
*The public must be satisfied that Oswald*



UNITED PRESS INTERNATIONAL

## *was the assassin....*

**Another Dallas death:** Two days after Kennedy was slain, Jack Ruby stepped from a crowd with a pistol in his hand and blasted Lee Harvey Oswald in the abdomen, left, as national television was broadcasting events at Dallas police headquarters. The killing of the suspect made the JFK assassination even more enigmatic.



**Another call for a commission:** After Deputy Attorney General Nicholas deB. Katzenbach, above left, saw Ruby shoot Oswald on TV, it spurred him to renew his push for creation of a blue-ribbon commission to investigate. Paralleling his effort was columnist Joseph Alsop, above right, a totem of the Washington Establishment.



#### COMMISSION, From A18

peachable personnel to review and examine the evidence and announce its conclusion."

That afternoon, Hoover sent Johnson a 1½-page memo laying out the latest results of the investigation, and saying they all pointed to Oswald as the killer. Later that day, Johnson publicly announced that the Justice Department and the FBI had been ordered to conduct "a thorough investigation of all circumstances" of the assassination and "the murder of his alleged assassin."

Before he went to bed that evening, Johnson was read a CIA rundown of what the agency had learned about Oswald's stay in Mexico City. Among the unanswered questions it posed: "Was the assassination . . . planned by Fidel Castro?" If so, "did the Soviets have any knowledge of those plans? Or were the Soviets merely being asked to give Oswald a visa?"

### Tuesday, Nov. 26

Katzenbach, in effective charge of the Justice Department in place of the grief-stricken Robert F. Kennedy, had told the FBI he wanted the bureau's report by the end of the week. "We should cover the angle of Oswald going down to Mexico City and his contacts down there," said an internal-FBI memo summing up a conversation between Hoover and Katzenbach. "In other words, this report is to settle the dust insofar as Oswald and his activities are concerned. . . ."

Courtney Evans, then FBI assistant director in charge of liaison with the Justice Department, had sent Hoover a copy of Katzenbach's memo to Moyers. Late Tuesday, Evans spoke with Katzenbach and reported to his superiors that President Johnson wanted the FBI report to assure "the American public and the world as to what the facts are . . . and setting to rest the many, many rumors that have been circulating and speculations in the United States and abroad."

Katzenbach, Evans reported, knew that it was "more difficult to prove that something did not occur than to prove what actually happened." Therefore, he said Katzenbach advised, the report might have to include "some so-called editorial interpretation."

As the White House, the Justice Department and the FBI were trying to wind up the investigation and get out a final report by the end of the week to soothe the public, a flash from CIA Director John A. McCone landed on the desk of national security adviser Bundy.

"Eyes Only," it said, reporting that an interview was then in progress in Mexico City with a Nicaraguan named Gilberto Alvarado, who alleged that he had seen Oswald taking \$6,500 from someone inside the Cuban Embassy there on Sept. 18.

"Let me stress," McCone said in the memo, "that this information is as yet completely unevaluated and that the FBI has been notified."

### Wednesday, Nov. 27

The complete report on Gilberto Alvarado's interrogation arrived in Washington, in which the Nicaraguan said he had seen a tall, thin black man with dyed red hair give Oswald the money during a discussion about killing someone. The report described Alvarado as "a well-known communist underground member who is also a regular informant of the Nicaraguan security service. We consider his reliability to be questionable, although he has not been wholly discredited."

Meanwhile, a telephone conversation had been intercepted the day before, Nov. 26, between Cuban President Osvaldo Dorticos in Havana and Cuban Ambassador to Mexico Joaquin Hernandez. Dorticos asked about Silvia Duran, a Mexican employee at the Cuban consulate who had dealt with Oswald and who had been picked up by Mexican authorities for questioning after the Kennedy assassination. Twice, Dorticos asked whether Duran had been questioned about money given to Oswald. Hernandez assured him she had not been asked that question.

In a cable to the State Department immediately passed on to the White House and FBI, U.S. Ambassador to Mexico Thomas Mann recommended Duran be re-arrested and confronted by Alvarado to determine whether the story about Oswald and the money was true. While recognizing "the danger of reaching hasty conclusions," Mann cabled, "there appears to be a strong possibility that a down payment was made to Oswald in the Cuban Embassy here, presumably with promise of a subsequent payment after the assassination."

At the bottom of a report on the cable, Hoover scribbled that Mann "is acting like a Sherlock Holmes. . . ." Later, however, Hoover wrote in a staff memo that Mann's statements, "if true, throw an entirely different light on the whole picture." In any case, he said, "If we haven't gone into [the allegations] and exploded them, the ambassador may someday decide to write a book and show what he notified this government of and that no action was taken."

He ordered another Spanish-speaking agent to Mexico City to work on the case.

In a written comment on Katzenbach's pressure, Hoover noted, "We can give no timetable for the report. . . . Katzenbach should understand that completeness and thoroughness must come first. Already today, the Mexican angle has mushroomed into charges of a proportion which was never anticipated."

### Thursday, Nov. 28

It was Thanksgiving, but Johnson spent the afternoon at work, partly on his speech scheduled to be televised to the nation that evening. But he also was wrestling with what to do about growing calls for both House and Senate investigations of the assassination.

Earlier in the week, Senate Judiciary Committee Chairman James O. Eastland (D-Miss.) announced he would hold hearings. His purpose, Eastland told Johnson in a Thanksgiving afternoon telephone conversation, was "to make a record of what the proof is . . . that is all. Show that this man was the assassin." He said there were a lot of senators who wanted it, but if Johnson wanted him to drop the idea, he would.

Voicing concern about "a bunch of congressional inquiries," Johnson picked up the theme of possible international complications that Katzenbach had been warning the White House about. "This is a very explosive thing," he told Eastland, "and it would be a very dangerous thing for the country. . . . And a little publicity could just fan the flames."

Johnson began talking about the idea of a commission, "a real high-level judiciary study of all the facts" by two congressmen, two senators "and maybe a justice of the Supreme Court." Their job, he suggested, would be "to take the FBI report and review it and write a report . . . and do anything they felt needed to be done."

"It would suit me all right," Eastland said.

### Friday, Nov. 29

As it turned out, Johnson was forced to decide, and to cobble the commission together, in great haste. He told House Majority Whip Hale Boggs (D-La.) that morning what he was thinking about and before he knew it, Boggs had announced it on the House floor.

It still was not clear what the commission was supposed to do beyond preventing "World War III." But its membership evolved over the telephone that morning as Johnson went from one congressional leader to another, trying out the idea and getting reactions to his candidates.

According to transcripts newly released by the Johnson Library in Austin, Tex., the president finally decided on the membership in a telephone conversation with one of his Washington confidants, attorney Abe Fortas, that made clear the panel was put together for its political and geographic balance, not its investigative expertise.

"We have the chief justice . . . John McCloy and Allen Dulles, that's three," Johnson said. "We'll try to get Jerry Ford as a Republican and Hale Boggs as a Democrat in the House. Then we'll try to get Russell and Cooper."

The chief justice was Earl Warren. McCloy was a Republican and established Wall Street financier who had served under presidents of both parties. Dulles was a former CIA director, and Ford the chairman of the House Republican Conference. Democratic Sen. Richard B. Russell, from Georgia, was chairman of the Armed Services Committee, and Sen. John Sherman Cooper (R-Ky.) was former ambassador to India.

"I guess we have to talk to these fellows before we announce we're going to appoint them, don't we?" Johnson asked Fortas. Then Johnson added: "I think we ought to order them to do it and let them bellyache."

The discussion ended around 1:30 p.m.,



with Johnson telling Bundy, "Mac, write down those names for me before I forget them."

Approached about the commission by Katzenbach and Solicitor General Archibald Cox, Warren turned them down. As he recalled in a 1971 oral history for the Johnson Library, Warren told them he and the other justices felt "it was not wise for members of the Supreme Court to accept positions on presidential commissions."

Later that afternoon, Johnson asked Warren to come to the White House. It was around this time that Johnson received a call from Hoover updating the investigation. The "angle in Mexico is giving us a great deal of trouble," Hoover said. Oswald had not been in Mexico on Sept. 18, as Alvarado had said, but Alvarado had now changed the date to Sept. 28, a day Oswald was known to have been there.

"The president told me he was greatly disturbed by the rumors that were going around the world about a conspiracy and so forth," Warren recalled of his own conversation with Johnson. "He thought that it might, because it involved both Khrushchev and Castro, that it might even catapult us into a nuclear war—if it got a head start, you know, and kept growing."

In his own recollection of the conversation, discussed on the telephone that night with Sen. Thomas H. Kuchel (R-Calif.), Johnson said he had reminded the chief justice that he had not hesitated to serve in World War I. "You'd go and fight if you thought you could save one American life," Johnson said he told Warren. "Now these wild people charging Khrushchev killed Kennedy . . . and Castro killed Kennedy . . . Why [if] Khrushchev moved on us he could kill 39 million in an hour . . . I'm asking you something and you're saying no to everybody when you could be speaking for 39 million people."

Johnson said "tears just came in his [Warren's] eyes. . . . You never saw anything like it. He said, 'I just can't say no.'"

In an interview later with columnist Drew Pearson, the president said he told Warren of the Alvarado allegations, and reminded him of the rumors still lingering from the Lincoln assassination. "The nation cannot afford to have any doubt this time," Johnson recalled telling Warren. "You can imagine what the reaction of the country would have been if this information came out. I was afraid of war."

Russell—a mainstay of southern sentiment whose presence on the commission Johnson considered vital—personally disliked Warren, and was likely to resist. Johnson circumvented the problem by having the White House announce appointment of the Warren Commission that evening, without asking the Georgia senator if he would serve.

Russell still said no. "I'm highly honored you'd think of me in connection with it, but I couldn't serve on it" because of Warren, he told Johnson in a telephone conversation lat-

er that night. "I don't like that man. I don't have any confidence in him at all."

"You've never turned your country down. . . . This is not me. . . . This is your country," Johnson told him. "Don't tell me what you can do and what you can't . . . because I can't arrest you and I'm not going to put the FBI on you, but you're goddamned sure going to serve, I'll tell you that." He told Russell he had to spend an hour convincing Warren to serve. "I begged him as much as I'm begging you," Johnson said.

"You've never begged me. You've always told me," Russell responded.

In any case, Johnson said, "It's already done. It has been announced."

## Aftermath

Katzenbach kept pressing for release of the FBI report to dispel suspicions of a conspiracy, but Warren objected, as did Hoover.

Alvarado eventually told Mexican police he had made up his story, but after his release said he had been treated "like a dog" by them and told he would be "hung by testicles," as the CIA cables put it, unless he recanted. The CIA gave him a polygraph test, which the agency later said indicated he was lying when he identified Oswald as the man he had seen. He was sent back to Nicaragua and told to keep quiet. Other allegations of a Cuban connection were pursued, but none panned out.

Reporting for the file on a Dec. 12, 1963, telephone conversation with J. Lee Rankin, the Warren Commission's general counsel, Hoover said he told Rankin that "I personally believe that Oswald was the assassin," but "as to whether he was the only man gives me great concern." He said he told Rankin this to explain why he opposed Katzenbach's efforts to issue a statement saying the FBI's investigation thus far had shown that Oswald acted alone, that he had no connection with Ruby, and that "no foreign or subversive element was involved."

But little more than a month later, the FBI was ready to close its investigation. "The FBI is very explicit that Oswald is the assassin and they are very explicit that there was no conspiracy," Rankin told the commission on Jan. 22, 1964, according to transcripts released years later. "They would like to have us fold up and quit."

At a meeting five days later, Sen. Russell complained that the FBI had "tried the case and reached a verdict on every aspect."

"You have put your finger on it," Rep. Boggs agreed.

The commission, using the FBI as its chief investigators, adopted the bureau's conclusions as its own in its final report, issued Sept. 24, 1964. "The shots which killed President Kennedy . . . were fired by Lee Harvey Oswald," it said.

"The commission found no evidence that either Lee Harvey Oswald or Jack Ruby was a part of any conspiracy, domestic or foreign, to assassinate President Kennedy."

Researchers Ann Eisele, Robert Thomason and Anne Underwood contributed.

NEXT: The investigation

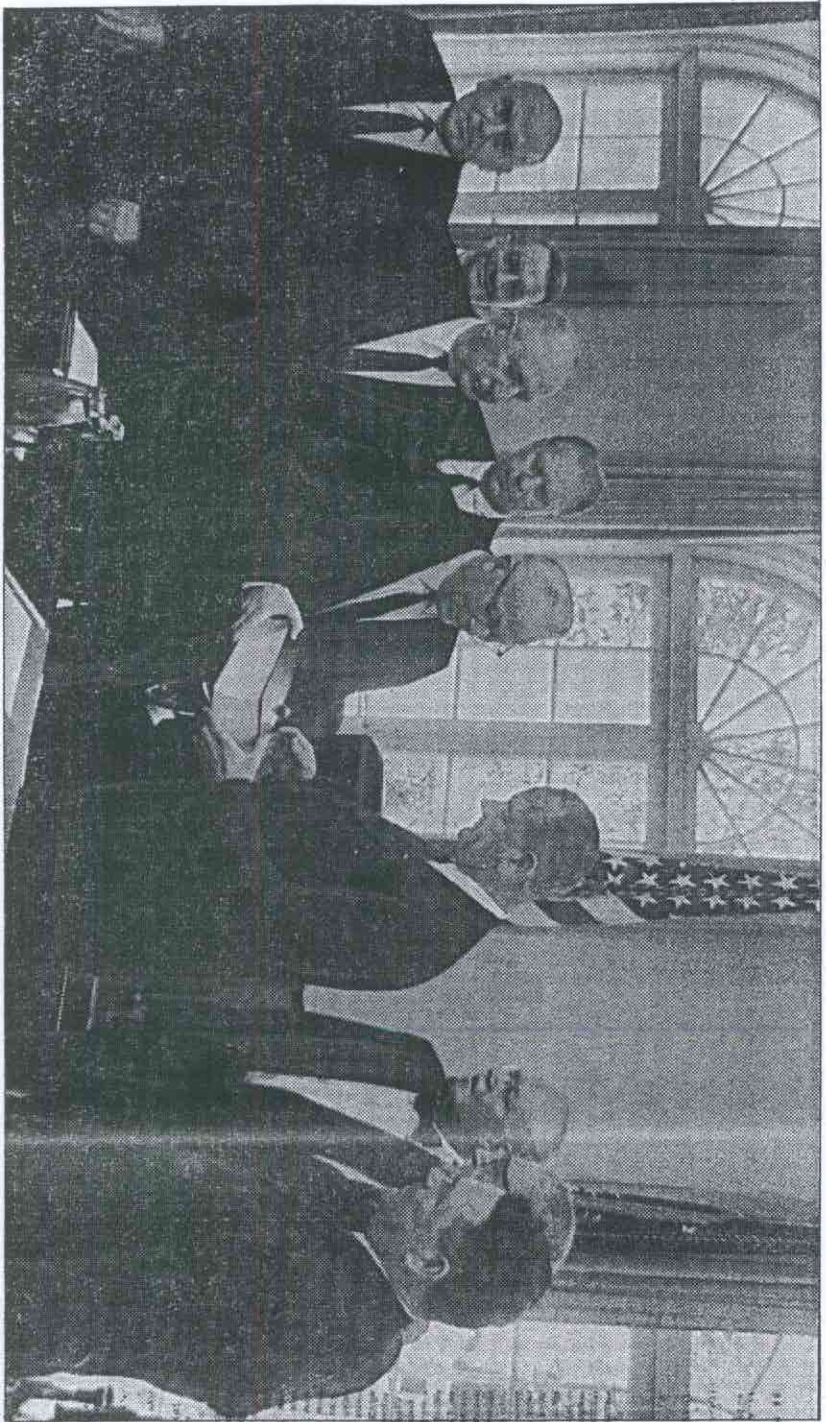


**The Johnson touch:** Lyndon B. Johnson asked Chief Justice Earl Warren, below left, to visit the White House, where the president turned on the treatment to change Warren's mind: "Tears just came in his eyes. . . ." With equally reluctant Sen. Richard B. Russell, below right, LBJ made his commission appointment a fait accompli.



**The Warren report:** President Johnson, right, receives the Warren Commission report on Sept. 24, 1964. From left: John J. McCloy, commission counsel J. Lee Rankin, Sen. Russell, Rep. Gerald R. Ford (R-Mich.), Chief Justice Earl Warren, Johnson, Allen Dulles, Sen. John Sherman Cooper (R-Ky.) and Rep. Hale Boggs (D-La.).





THE WASHINGTON POST